

**SATURDAY, JANUARY 18, 2003**

**FIFTH ORGANIZATIONAL DAY**

**CALL TO ORDER**

The Senate met at 10:30 a.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Mr. Jack Shaffer, Coordinator of Capitol Ministries in Nashville, Tennessee, a guest of Senator Williams.

**PLEDGE OF ALLEGIANCE**

Senator Bryson led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

**INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 24** by Senator McLeary.

Bradford -- Subject to local approval, changes date of general city election from first Saturday in May in odd-numbered years to first Tuesday after first Monday in November of even-numbered years. Amends Chapter 38 of the Private Acts of 1985.

**Senate Bill No. 25** by Senator Harper.

Child Custody and Support -- Requires specific areas of instruction for premarital preparation course. Amends TCA Title 36, Chapter 6, Part 4.

**Senate Bill No. 26** by Senator McNally.

Taxes, Privilege -- Exempts persons who only practice professionally on volunteer basis for 501(c)(3) organization from professional privilege tax. Amends TCA Title 67, Chapter 4, Part 17.

**Senate Bill No. 27** by Senator Herron.

Highway Signs -- "Bernice Rainey Bridge", Henry County, State Route 140.

**SENATE BILLS ON SECOND CONSIDERATION**

The Speaker announced that **Senate Bills Nos. 13 through 23** passed second consideration and were held on the Clerk's desk pending the appointment of the appropriate committees.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 17** by Senators Cooper and Henry.  
General Assembly, Directed Studies -- Requires inter-departmental study of autism and creates special joint committee to recommend any necessary legislation.

**Senate Joint Resolution No. 18** by Senator Herron.  
Memorials, Professional Achievement -- Judge Allen W. Wallace.

**RESOLUTIONS LYING OVER**

**Senate Joint Resolutions Nos. 13 through 15** and **House Joint Resolutions Nos. 11 through 15** were held on the Clerk's desk pending the appointment of the appropriate committee.

**MOTION**

Senator Crowe moved that Rule 39 be suspended for the purpose of placing the following resolutions on a Consent Calendar for today, Saturday, January 18, 2003, which motion prevailed: **House Joint Resolutions Nos. 11, 12, 13, 14, 15;** and **Senate Joint Resolutions Nos. 13 and 14.**

**CONSENT CALENDAR**

**House Joint Resolution No. 11** -- Memorials, Sports -- Brentwood High School, AAA State Volleyball Champions.

**House Joint Resolution No. 12** -- Memorials, Sports -- Franklin High School Lady Rebels Soccer Team.

**House Joint Resolution No. 13** -- Memorials, Sports -- Page High School, 2002 A/AA Volleyball Championship.

**House Joint Resolution No. 14** -- Memorials, Sports -- Brentwood High School, 2002 5A State Football Champions.

**House Joint Resolution No. 15** -- Memorials, Professional Achievement -- Dan Lawson, TOSS's Superintendent of the Year.

**Senate Joint Resolution No. 13** -- Memorials, Sports -- Soddy-Daisy Cheerleaders.

**Senate Joint Resolution No. 14** -- Memorials, Personal Occasion -- Reverend Melvin Jordan.

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Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

### MOTION

Senator Herron moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 18**, out of order, which motion prevailed.

### RESOLUTION LYING OVER

**Senate Joint Resolution No. 18** -- Memorials, Professional Achievement -- Judge Allen W. Wallace.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 18** was adopted by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

### MOTION

Senator Crutchfield moved the Proposed Schedule for the week of Monday, February 3, 2003, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--32.

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**TENNESSEE STATE SENATE  
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE  
FOR THE WEEK OF FEBRUARY 3, 2003**

**MONDAY -- February 3**

5:00 p.m. Session -- Senate Chamber

**TUESDAY -- February 4**

8:30 a.m. -- 9:30 a.m.	Finance, Ways & Means Committee
9:30 a.m. -- 10:30 a.m.	State & Local Government Committee
10:30 a.m. -- 12:30 p.m.	Rules Committee
12:30 p.m. -- 1:30 p.m.	Lunch
1:30 p.m. -- 2:30 p.m.	Commerce, Labor & Agriculture Committee
2:30 p.m. -- 3:30 p.m.	Judiciary Committee

**WEDNESDAY -- February 5**

8:30 a.m. -- 9:30 a.m.	Education Committee
9:30 a.m. -- 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m. -- 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. -- 12:30 p.m.	Lunch
12:30 p.m. -- 1:30 p.m.	Transportation Committee
1:30 p.m. -- 2:30 p.m.	Government Operations Committee
2:30 p.m.	Caucus Meetings
3:00 p.m.	Session -- Senate Chamber

**THURSDAY -- February 6**

9:00 a.m. Session -- Senate Chamber

**OTHER MEETINGS:**

Select Oversight Committee on Corrections  
Monday, February 3, 2003 -- 1:30 p.m. -- Room 16 LP

**NOTES:**

Pursuant to Senate Rule 25, cut-off date for the unlimited filing of all general bills --  
Close of business February 13, 2003  
Pursuant to Senate Rule 27, cut-off date for nine bill limit --  
Close of business February 24, 2003

**RECESS**

Senator Crutchfield moved the Senate recess and repair in a body to meet the House of Representatives in Joint Convention on War Memorial Plaza for the purpose of the inauguration of

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the Governor, and further moved that at the conclusion of the Joint Convention that the Senate reconvene immediately in the Senate Chamber, which motion prevailed.

### **IN JOINT CONVENTION INAUGURATION OF GOVERNOR**

#### **CALL TO ORDER**

Mr. President Wilder called the Joint Convention to order pursuant to **House Joint Resolution No. 7**.

#### **ROLL CALL**

Mr. President Wilder declared a quorum was present.

Senator Crutchfield moved that the roll call of the Senate be dispensed with, which motion prevailed.

Representative McMillan moved that the roll call of the House be dispensed with, which motion prevailed.

Mr. Russell Humphrey, Chief Clerk of the Senate, read **House Joint Resolution No. 7**, authorizing the Joint Convention for the inauguration of the Honorable Phil Bredesen, as Governor of the State of Tennessee.

#### **APPOINTMENT OF SELECT COMMITTEE**

Mr. President Wilder announced the appointment of a committee of Senators Atchley, Cohen, Cooper, Ford, Person and Ramsey; and Representatives McDaniel, Hargett, Sargent, Hagood, McCord and Kent to escort the Honorable Don Sundquist, Governor of the State of Tennessee, to the Speaker's platform. Senator Atchley served as Chairperson of this committee.

Mr. President Wilder announced the appointment of a committee of Senators Burchett, Haynes, Henry, Miller, Southerland and Crutchfield; and Representatives Lois DeBerry, Langster, Rinks, McMillan, Briley and Maddox to escort the Honorable Phil Bredesen, Governor-elect of the State of Tennessee, to the Speaker's platform. Speaker Pro Tempore DeBerry served as Chairperson of this committee.

#### **RECESS**

Without objection, the Joint Convention stood in recess pending the arrival of the honored guests.

#### **CALL TO ORDER**

Mr. President Wilder called the Joint Convention to order.

Mr. President Wilder declared a quorum was present.

First lady Martha Sundquist appeared at the Speaker's platform and was escorted to her seat.

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Ms. Andrea Conte appeared at the Speaker's platform and was escorted to her seat.

The Honorable Don Sundquist, Governor of the State of Tennessee, appeared at the Speaker's platform and was escorted to his seat.

The Honorable Phil Bredesen, Governor-elect of the State of Tennessee, appeared at the Speaker's platform and was escorted to his seat.

### **PRESENTATION OF COLORS**

The Presentation of Colors was given by the Tennessee National Guard.

### **NATIONAL ANTHEM**

The National Anthem was played by the military band.

### **INVOCATION**

The proceedings were opened with invocation by Bishop Joseph Warren Walker III, Pastor of the Mt. Zion Missionary Baptist Church in Nashville, Tennessee.

### **INTRODUCTION OF THE HONORABLE DON SUNDQUIST**

Mr. President Wilder introduced the Honorable Don Sundquist, who delivered the following farewell address:

#### **FAREWELL ADDRESS GOVERNOR DON SUNDQUIST NASHVILLE, JANUARY 18, 2003**

Governor Wilder. Speaker Naifeh. Distinguished members of the General Assembly. Elected officials, particularly our former governors: Dunn, Alexander, McWhorter. Constitutional officers. State employees. Honored guests. Governor-Elect Bredesen. A special thanks to my wife Martha. My fellow Tennesseans.

For the past 8 years I have had the honor and privilege of serving as the 47th governor of Tennessee.

Today, I humbly pass the mantle of responsibility and torch of office to Phil Bredesen.

It is an office equally filled with accountability and privilege. It is an office that calls for listening and leadership; late-night calls and calls to action; split-second as well as deliberate decisions.

It is an office that belongs not to a single person, but to the people of Tennessee.

Each day is filled with challenge. And every challenge offers a special, life-changing opportunity. The opportunity to set the eager, young minds of Tennessee on the path to prosperity through better education, better health care, safer streets, safer homes, cleaner air and water, better jobs and a better way of life for each new generation.

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The American Dream. A better life for all Tennesseans. Each and every day, this has been my driving force.

Each day I learned from, and was humbled by, the people of my state. Individuals so full of innovation, ideas and idealism. Each day, I have been inspired by the courage, the kindness and the conviction shown by everyday citizens. Ordinary Americans, but extraordinary people.

People like the men and women who teach our children and believe in their ideas. They believe in an ideal world in which every child is treated equally and given equal opportunity to realize their dreams. With hard work, sacrifice, and love, our teachers mold and shape the tiny feet that will someday follow in our footsteps. To the teachers in this audience and all those within the sound of my voice, I salute you.

I salute our state employees, whose daily dedication to their work and to the people make all the difference. I especially want to commend our highway patrol and all of our brave first responders.

Ralph Waldo Emerson must have had Tennesseans in mind when he wrote the words, "What lies behind us and what lies before us are tiny matters compared to what lies within us."

What lies within the hearts, and souls and spirits of the citizens of our great state is courage, determination, innovation, imagination and hope for a new, better, more shining tomorrow.

We know we have difficult times ahead nationally. Other states are now feeling the pain we've felt the last several years. But we in Tennessee have already begun the debate, and I'm proud to say we're better prepared because of it.

We had the courage to speak up and speak out for a brighter future. My good friend and mentor, Howard Baker, has always said that "We must be fully engaged in the challenges of our times."

Each of us here today is engaged in the challenges. We are engaged because we recognize that our state is full of untapped promise and potential. And we know that to meet the challenges. To tap into the potential. We need the courage, the commitment and the conviction that lies within everyday Tennesseans.

As I take my leave of the grandeur of this office, and retire to the pleasures of everyday life, I ask only that each of us, whatever our station, whatever our views on the issues before us, will continue to be men and women of goodwill, united in our love for this beautiful state.

Martha and I are more grateful than you will ever know for the opportunity you have given us to serve as your governor and first lady. We wish Governor Bredesen and Andrea the very best as they begin their quest to lead this state to the success, security and prosperity that our citizens so richly deserve.

### **HYMN**

Mr. President Wilder introduced Gracie Rosenberger to sing "How Great Thou Art".

### **OATH OF OFFICE**

The Honorable Phil Bredesen, accompanied by Ms. Andrea Conte, was introduced and was administered the Oath of Office by the Honorable Frank Drowota, Chief Justice of the Tennessee Supreme Court.

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Thereupon, Mr. President Wilder declared that the Honorable Phil Bredesen was duly, legally and constitutionally inaugurated as the Governor of Tennessee for the ensuing four years.

### **GOVERNOR'S SALUTE**

The Tennessee National Guard gave the Governor's Salute to Governor Bredesen.

### **OATH OF OFFICE OF CABINET**

Governor Bredesen introduced his Cabinet appointees and administered the Oath of Office.

### **INAUGURAL ADDRESS GOVERNOR PHIL BREDESEN**

Governor Wilder. Speaker Naifeh. Members of the General Assembly. Constitutional Officers. Justices of the Supreme Court. Distinguished Members of Tennessee's Congressional Delegation. Honored Guests. Family, Friends. And to each of you, my fellow Tennesseans.

I stand before you today, having just taken the oath of office, prepared to serve as your Governor. I stand before you feeling both proud and humble. Proud that you have chosen me to lead and humbled by the trust you have placed with me.

Most of all, I stand before you today believing that we are poised at a time of great opportunity and growth in Tennessee if we have the courage, and we will, to seize the moment.

Allow me a personal moment to thank a few very special people. My wife, Andrea: I could have no better partner in life. My son, Ben: I hope you know how proud we are of you. My mother, Norma: You taught me the value of hard work and self-reliance. And Mom, I'm still working on it.

And the countless Tennesseans who have embraced me as a friend, and made me the better for it. To Governor Sundquist: I thank you for your long service to our State. You always followed your convictions and, for that, I respect you.

When one campaigns for an office, there are Democrats and Republicans, there are supporters and opponents, there are communities where your support is strong and those that fall the other direction.

I want you to know that I hold to a fundamental principle. When I raised my hand and took the oath of office a few minutes ago, those differences, Democrat and Republican, political friend and foe, big city and small town, East, West, Middle, all faded away and I became simply, without fear or favor, the Governor of all of the people of Tennessee.

We have been through some challenging times that were difficult for our governor, frustrating for our legislature, confusing, and in many cases, anger-provoking, for Tennesseans.

We are not the only state struggling through tough times. But I believe as we have struggled we have fallen into the trap of seeing just two ways of looking at our government.

One way is the expansive view: More revenue, more responsibilities for government. The second is a more restricted view: Cut expenses, fewer services.



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But I want to say today that there is a third way.

Let's leave behind the predictable and stale debate between liberals and conservatives. Let's take the resources that we have, and prioritize, and manage, and focus our energy on just doing things that count, on real results.

That third way is common sense, and it is already the way that families across our state are managing their own affairs and lives.

We all know families who are poor, families who are struggling to improve their situations. We all know families who have plenty of money but cannot find happiness.

But Tennessee is full of families, rich and poor, who manage to achieve balance. They use the resources they have, and add faith in God, love and commitment to each other, hard work and a focus on their children.

These are the real families, the families that work, the families that shine. And that balance is the lesson for us. That's the third way for our government.

To stop arguing about money like some dysfunctional family and start setting priorities and bringing the ingenuity and focus that America is famous for in its businesses to the world of serving the public.

The third way is to set priorities. We have to get control of the budget and TennCare, and the work of the next few months will largely be achieving this. We have to get our economy growing and creating more and better jobs. We will accomplish these goals.

But I want you to know that the first priority for me, what I want to be remembered for as Governor, is educating our children.

It is a very personal issue. I grew up in a household with my mother and brother, who are here today, and with a grandmother and an Uncle Ozzie and Aunt Naomi, who have passed away.

My uncle Ozzie was a fine, intelligent man. He worked as a baggage handler at a railway station and later as a milkman and a bookkeeper. I feel sure Uncle Ozzie could have risen to great heights in business or public service.

But he never graduated from high school, never attended a college, never got all the tools that he needed to complement his God-given talents. I learned from Uncle Ozzie.

My education commitment is simple. I believe that every child is unique. I'm going to work as hard as I know how, and I'm going to ask each of you to help me to offer all Tennessee children the education they need to energize their God-given talents to take them as far as they can go.

I know that we have some tough months ahead of us. A budget crisis, again. Problems with TennCare, again. We're going to get through it. I don't promise you instant results.

It will be like climbing a steep hill. You put your head down and do it step by step. Sometimes you slip back a step or two. But when we get to the top, and we will, I know we are going to find a broad and bright landscape in front of us.

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This is a hopeful time in Tennessee, full of promise and opportunity. The people of our state are wonderful. We love our communities and we work hard to make them even better.

Beginning today, we will work together to invent a third way. To leave behind the tired debates. To seize the opportunities that Providence has placed before us. Let us dream. And let us show our nation what the values and the work of Tennesseans can produce when we put our mind to it.

I am so proud to be your Governor. Thank you, and Godspeed.

### **MR. SPEAKER WILDER RELINQUISHES GAVEL**

Mr. President Wilder relinquished the gavel to Mr. Speaker Naifeh, as President of the Joint Convention.

### **BENEDICTION**

Mr. President Naifeh introduced Bishop William Morris who gave the Benediction.

### **DISSOLUTION OF JOINT CONVENTION**

Mr. President Naifeh declared, pursuant to **House Joint Resolution No. 7**, the purpose for which this Joint Convention was called, having been accomplished, the Joint Convention stood dissolved.

### **CALL TO ORDER**

The Senate was called to order by Speaker Pro Tempore Haynes.

### **ROLL CALL**

Mr. Speaker Pro Tempore Haynes declared a quorum was present.

On motion, the roll call was dispensed with.

### **APPOINTMENT OF STANDING COMMITTEES**

The Speaker announced the appointments of the following Standing Committees:

#### **COMMERCE, LABOR AND AGRICULTURE**

Cooper (D), Chairperson; Clabough (R), Vice-Chairperson; Dixon (D), Secretary; Bryson (R), Crutchfield (D), Graves (D), Norris (R), Trail (D) and Williams (R).

#### **EDUCATION**

McNally (R), Chairperson; Dixon (D), Vice-Chairperson; Burks (D), Secretary; Atchley (R), Crutchfield (D), Crowe (R), Graves (D), Ketron (R) and Trail (D).

**ENVIRONMENT, CONSERVATION AND TOURISM**

Miller (R), Chairperson; Walker (D), Vice-Chairperson; Beavers (R), Secretary; Burks (D), Cooper (D), Graves (D), Jackson (D), Ramsey (R) and Southerland (R).

**FINANCE, WAYS AND MEANS**

Henry (D), Chairperson; Kyle (D), Vice-Chairperson; Clabough (R), Secretary; Atchley (R), Burchett (R), Crutchfield (D), Ford (D), Fowler (R), Haynes (D), Herron (D) and Ramsey (R).

**GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

Ford (D), Chairperson; Jackson (D), Vice-Chairperson; Crowe (R), Secretary; Fowler (R), Henry (D), Herron (D), Kurita (D), McNally (R) and Person (R).

**GOVERNMENT OPERATIONS**

Harper (D), Chairperson; Burchett (R), Vice-Chairperson; Bryson (R), Secretary; Beavers (R), Burks (D), Dixon (D), Kyle (D), Ketron (R), McLeary (D), Southerland (R) and Walker (D).

**JUDICIARY**

Person (R), Chairperson; Norris (R), Vice-Chairperson; Jackson (D), Secretary; Cohen (D), Fowler (R), Haynes (D), Trail (D), Walker (D) and Williams (R).

**STATE AND LOCAL GOVERNMENT**

Cohen (D), Chairperson; Kurita (D), Vice-Chairperson; Ketron (R), Secretary; Burchett (R), Harper (D), Haynes (D), McLeary (D), Miller (R) and Ramsey (R).

**TRANSPORTATION**

Williams (R), Chairperson; McLeary (D), Vice-Chairperson; Southerland (R), Secretary; Beavers (R), Cohen (D), Cooper (D), Kyle (D), Kurita (D) and Norris (R).

**APPOINTMENT OF SPEAKER PRO TEMPORE**

Pursuant to Rule 3, Senator Graves of Sumner County was appointed Speaker Pro Tempore.

**MOTION**

On motion of Senator Bryson, his name was added as sponsor of **Senate Bill No. 12**.

On motion of Senators Kurita, Haynes, Crutchfield and Mr. Speaker Wilder, their names were added as sponsors of **Senate Joint Resolution No. 18**.

**ENROLLED BILLS**

January 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 1, 2, 3, 4, 8, 9 and 10; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**SIGNED**

January 18, 2003

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1, 2, 3, 4, 8, 9 and 10.

**MESSAGE FROM THE HOUSE**

January 18, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1, 2, 3, 4, 8, 9 and 10; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**ENGROSSED BILLS**

January 18, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 13 and 14, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

January 18, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 18, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

January 18, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 12, 16 and 18; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

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**ADJOURNMENT**

Senator Crutchfield moved pursuant to **House Joint Resolution No. 7**, the Organizational Session of the One Hundred Third General Assembly stand adjourned sine die, which motion prevailed.